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9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 (SAN FRANCISCO HEADQUARTERS)

12 JOHN BONILLA as CHAIRMAN and KEN
13 WALTERS as CO-CHAIRMAN of the
BOARDS OF TRUSTEES FOR THE
14 OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND, et al.,

15 Plaintiffs,

16 v.

17 KDH BACKHOE SERVICE INC. et al.,

18 Defendants.
19

Case No.: C05-3259 EMC

**PLAINTIFFS' NOTICE OF VOLUNTARY
DISMISSAL OF ACTION ; ORDER**

20 Plaintiffs hereby dismiss the within action in response to this Court's Order of December
21 21, 2007, as follows:

- 22 1. This firm now represents the Plaintiffs, effective on or about June 1, 2007.
- 23 2. The Notice of Automatic Stay was filed with this Court by prior counsel on
24 November 13, 2006, with respect to defendant Wayne L. Humphrey. Mr. Humphrey had filed a
25 Chapter 7 Bankruptcy in the U.S. Bankruptcy Court, Eastern District of California, on October 20,
26 2006. Wayne L. Humphrey was discharged in bankruptcy on March 6, 2007. Plaintiffs are
27 therefore precluded from pursuing this action against him.
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3. I have spoken to Plaintiffs' prior counsel, James Watson, of the firm Stanton, Kay & Watson, LLP, and he concurs with this dismissal.

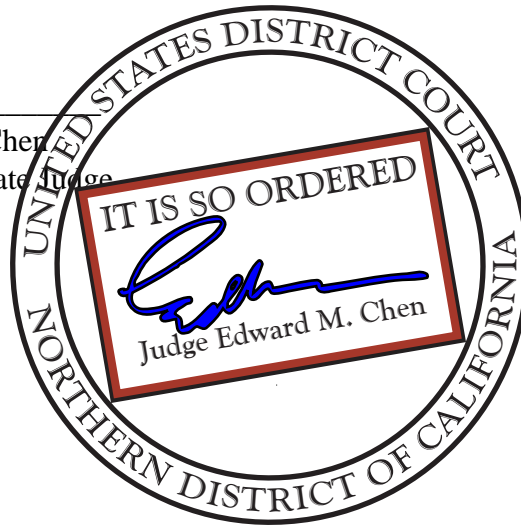
Dated: January 8, 2008

SALTZMAN & JOHNSON
LAW CORPORATION

By: _____/s/_____
Muriel B. Kaplan
Attorneys for Plaintiffs

IT IS SO ORDERED:

Edward M. Chen
U.S. Magistrate Judge



1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 I am a citizen of the United States and am employed in the County of San Francisco, State
4 of California. I am over the age of eighteen and not a party to this action. My business address is
5 120 Howard Street, Suite 520, San Francisco, California 94105.
6

7 On January 8, 2008, I served the following document(s):

8 **PLAINTIFFS' NOTICE OF VOLUNTARY**
9 **DISMISSAL OF ACTION**

10 on the interested parties in said action by placing a true and exact copy of each document in a
11 sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San
12 Francisco, California, addressed as follows:

13 **Steve S. Altman**
14 **Attorney at Law**
15 **1127 12th Street, Suite 104**
Modesto, CA 95354

James Watson
Stanton, Kay & Watson, LLP
300 Airport Blvd., Suite 100
Burlingame, CA 94010

16 I declare under penalty of perjury that the foregoing is true and correct and that this
17 declaration was executed on this 8th day of January, 2008, at San Francisco, California.
18

19
20 _____/s/_____
21 **Andrea Gonzalez**
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